

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7116

BILL NUMBER: HB 1479

DATE PREPARED: Jan 5, 1999

BILL AMENDED:

SUBJECT: Regulated lifting devices.

FISCAL ANALYST: Beverly Holloway

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that it is the responsibility of the person who installs a regulated lifting device to obtain the initial operating permit and it is the responsibility of the person who has control over the place where a regulated lifting device is operated to obtain an operating permit after the initial permit expires.

The Office of the State Building Commissioner is required to mark a regulated lifting device "out of service" when an inspection reveals that the unit does not comply with laws governing its construction, repair, maintenance, and operation. The Office is required to reinspect an "out of service" unit within a reasonable time after receiving a request for reinspection and the reinspection fee.

This bill makes it a Class C Infraction for a person who installs a regulated lifting device to allow it to be used by construction personnel if neither a temporary permit nor an initial operating permit has been issued. It also makes it a Class C Infraction for a person who installs a temporary lifting device to allow members of the public to use the unit if an initial operating permit has not been issued.

Effective Date: July 1, 1999.

Explanation of State Expenditures: There should be only minimal or no additional costs to the Office of the State Building Commissioner to implement the provisions of this bill. Any additional costs incurred would be done within the existing budget of the Office of the State Building Commissioner.

Explanation of State Revenues: This bill clarifies when an individual should obtain an installation permit. Currently an individual is required to obtain an installation permit for a passenger elevator and/or a freight elevator. The permit fee for each is \$100 plus \$10 per opening. There is also an inspection fee of \$30 plus \$5 for each landing. These fees are deposited in the Fire and Building Services Fund, a dedicated fund. The Fund is used to defray the personal services, other operating expense, and capital outlay of the Department

of Fire and Building Services, the Board of Firefighting Personnel Standards and Education, the Boiler Pressure and Vessel Rules Board, and the Fire Prevention and Building Safety Commission.

This bill makes it a Class C Infraction for a person who installs a: (1) regulated lifting device to allow it to be used by construction personnel if neither a temporary permit nor an initial operating permit has been issued; and (2) temporary lifting device to allow members of the public to use the unit if an initial operating permit has not been issued. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Office of the State Building Commissioner.

Local Agencies Affected: Trial courts; Local law enforcement agencies.

Information Sources: